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PPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N		
10/604,626 08/05/2003		08/05/2003	Eric Schneider		1625		
24226	7590	11/30/2005		EXAMINER			
ERIC SCHN	EIDER		MEKY, MOUSTAFA M				
1730 SOUTH #104	FEDER	AL HWY		ART UNIT	PAPER NUMBER		
DELRAY BE	ACH, F	L 33483	2157				

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<del></del>		Application	n No.	Applicant(s)	
		10/604,62	6	SCHNEIDER, ERIC  Art Unit	
Office Act	ion Summary	Examiner			
		Moustafa I	И. Meky	2157	
The MAILING I	DATE of this communication			orrespondence add	ress
A SHORTENED STA WHICHEVER IS LON - Extensions of time may be a after SIX (6) MONTHS from - If NO period for reply is spe - Failure to reply within the se	TUTORY PERIOD FOR REIGER, FROM THE MAILING wailable under the provisions of 37 CF the mailing date of this communication cified above, the maximum statutory period for reply will, by siffice later than three months after the nent. See 37 CFR 1.704(b).	G DATE OF THER 1.136(a). In no even n. eriod will apply and will statute, cause the apple	IS COMMUNICATION ont, however, may a reply be time a spire SIX (6) MONTHS from ication to become ABANDONE	N. nely filed the mailing date of this com D (35 U.S.C. § 133).	
Status	·				
2a) ☐ This action is <b>F</b> 3) ☐ Since this appli	communication(s) filed on <u>1</u> INAL. 2b)  cation is in condition for allowance with the practice und	This action is no owance except	on-final. for formal matters, pro		merits is
Disposition of Claims					
4a) Of the above 5) Claim(s) 6) Claim(s) 7) Claim(s)	is/are rejected.	ndrawn from cor			
9) The specification	n is objected to by the Exan	miner.			
10) The drawing(s) for Applicant may not Replacement drawing	iled on is/are: a) t request that any objection to wing sheet(s) including the col aration is objected to by the	accepted or b)[ the drawing(s) because	e held in abeyance. See ed if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR	` '
Priority under 35 U.S.C.	§ 119				
a) All b) Sor  1. Certified  2. Certified  3. Copies of application	ne * c) None of: copies of the priority docume copies of the priority docume the certified copies of the priority document on from the International But detailed Office action for a	nents have been nents have been priority docume nreau (PCT Rule	n received. n received in Application nts have been receive e 17.2(a)).	on No ed in this National St	tage
	Patent Drawing Review (PTO-948) atement(s) (PTO-1449 or PTO/SB	•	4) Interview Summary ( Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	ite	52)

1. The amendment filed 9/17/2005 has been entered and considered by the examiner.

- 2. Claims 6-22 are pending and claims 1-5 have been canceled.

  Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 6-11, drawn to remote data accessing, classified in class 709, subclass217.
  - II. Claims 12-22, drawn to network resource allocating, classified in class 709, subclass 226.

The inventions are distinct, each from the other because of the following reasons:

- A. Inventions I & II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP  $\ni$  806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP  $\ni$  806.04(h)). Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
- B Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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C. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

- D. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

**Art Unit: 2157** 

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM 11/27/2005

MOUSTAFA M. MEKY
PRIMARY EXAMINER

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